

Timothy O'Krongley

November 14, 2024

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SOUTHWEST AIRLINES CO., )  
)  
Plaintiff(s), )  
) CIVIL ACTION NO.:  
VS. ) 5:24-CV-01085-XR  
)  
THE CITY OF SAN ANTONIO, )  
TEXAS AND JESUS SAENZ, IN )  
HIS OFFICIAL CAPACITY AS )  
DIRECTOR OF AIRPORTS FOR )  
THE CITY OF SAN ANTONIO, )  
)  
Defendant(s), )

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ORAL AND VIDEOTAPED DEPOSITION OF

TIMOTHY E. O'KRONLEY

NOVEMBER 14, 2024

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ORAL AND VIDEOTAPED DEPOSITION of TIMOTHY E.  
O'KRONLEY, produced as a witness at the instance of  
the Plaintiff, and duly sworn, was taken in the  
above-styled and numbered cause on the 14th day of  
November, 2024, from 9:02 a.m. to 1:21 p.m., before  
Dicie Lee Eytcheson, CSR in and for the State of  
Texas, reported by machine shorthand, at the offices  
of SAN ANTONIO AIRPORT SYSTEMS, Airport Business  
Center, 10100 Reunion Place, Suite 860, San Antonio,  
Texas 78216, pursuant to the Federal Rules of Civil  
Procedure and the provisions stated on the record or  
attached hereto.

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<p style="text-align: right;">Page 6</p> <p>1 THE VIDEOGRAPHER: We are now on the 2 record. This begins Videotape Number 1 in the 3 deposition of Timothy O'Krongley in the matter of 4 Southwest Airlines versus the City of San Antonio, Et Al 5 in the U.S. District Court, Western District of Texas, 6 San Antonio Division. Today is November 4th [sic], 7 2024. The time is 9:02 a.m. This deposition is being 8 taken at the Airport Business Center, San Antonio, Texas 9 at the request of The Morales Firm. The videographer is 10 Gabe Seymore of Magna Legal Services and the court 11 reporter is Dicie Eytcheson of Magna -- at -- of Magna 12 Legal Services. 13 Will counsel and all parties present state 14 their appearances and whom they represent. 15 MR. MORALES: Lawrence Morales, II on 16 behalf of Southwest Airlines. 17 MR. PILSK: Eric Pilsk -- 18 MR. GOLDBERG: Roy Goldberg from Clark 19 Hill also present on behalf of Southwest. 20 MR. PILSK: Eric Pilsk on behalf of 21 defendants. 22 MS. KLEIN: Debbie Klein, the City 23 Attorney's Office, on behalf of the City of San Antonio. 24 And as a housekeeping matter, you said 25 this was November 4th. It's the 14th.</p>	<p style="text-align: right;">Page 8</p> <p>1 EXAMINATION 2 BY MR. MORALES: 3 Q. Sir, will you please state your full name. 4 A. Sure. Timothy Edward O'Krongley. 5 Q. And, Mr. O'Krongley, where do you work? 6 A. City of San Antonio Aviation Department. 7 Q. All right. And what is your position with the 8 City of San Antonio? 9 A. Deputy aviation director over the Planning, 10 Infrastructure and Development Division. 11 Q. Have you ever had your deposition taken before? 12 A. Once. 13 Q. Okay. And how long ago was that? 14 A. I believe around 2006. 15 Q. Okay. Outside of your role with the City of 16 San Antonio? 17 A. It was with the City of San Antonio. 18 Q. Okay. And do you understand that you are under 19 oath? 20 A. I do. 21 Q. Do you understand that you're testifying 22 subject to the penalties of perjury? 23 A. I do. 24 Q. What is -- what does that mean to you, 25 testifying to the penalties of perjury or subject to the</p>
<p style="text-align: right;">Page 7</p> <p>1 THE VIDEOGRAPHER: Correct. 2 MS. KLEIN: If we can just clarify that 3 for the record. 4 THE VIDEOGRAPHER: Thank you. 5 Will the court reporter please swear in 6 the witness. 7 TIMOTHY E. O'KRONGLEY, 8 having been first duly sworn on his oath to state the 9 truth, the whole truth and nothing but the truth, 10 testifies as follows: 11 MR. MORALES: Before we begin, I'll just 12 note that there are certain documents that Southwest 13 contends are overdue and due by the City. So we are 14 taking this deposition reserving our right to reopen the 15 deposition if additional documents are produced 16 pertaining to Mr. O'Krongley's testimony. We'll leave a 17 little bit of time at the end to allow for that. Just 18 notifying counsel of that position. 19 MR. PILSK: No. Appreciate it. And I 20 would just note the depositions are limited to four 21 hours. So it -- you reserved time and that's -- that's 22 fine, but we'll stick to the four-hour rule absence some 23 extraordinary circumstance. 24 MR. MORALES: Thank you. 25</p>	<p style="text-align: right;">Page 9</p> <p>1 penalties of perjury? 2 A. That if I don't tell -- tell the truth that I'm 3 subject to the law. 4 Q. Okay. And potential prosecution? 5 A. Yes. 6 Q. Okay. Sir, if you could allow me to finish 7 answering [sic] my question before you begin yours I 8 will allow you to finish your response before I start my 9 next question. Does that work for you? 10 A. Yep. 11 Q. Okay. And as you have started doing, if you 12 can continue to answer with a verbal response as opposed 13 to a nod of the head or some other indication of -- of 14 an answer. Does that work for you? 15 A. Yes. 16 Q. All right. If you have any questions about my 17 question or uncertainty about my question, if you let me 18 know I'll do my best to rephrase it so that you 19 understand. Does that work? 20 A. Yes. 21 Q. All right. We have a four-hour limit today; 22 however, if you need to take a break only -- I only ask 23 that if you can finish answering the question that I 24 have asked before you take a break I'm happy to 25 accommodate you, okay?</p>

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<p style="text-align: right;">Page 74</p> <p>1 but we would want to know how they would operate that,</p> <p>2 the size of aircraft they would be bringing in and those</p> <p>3 types of factors that would help determine utilization</p> <p>4 of gate peak hours, loads and how it transfers</p> <p>5 throughout the use of the building.</p> <p>6 Q. So I know that -- of the factors -- and if</p> <p>7 we're looking at Deposition Exhibit Number 2, you know,</p> <p>8 one of the factors was: Was an airline club requested,</p> <p>9 okay, we'll -- we'll talk about that at length in a</p> <p>10 minute. But then separate that is a factor of fit into</p> <p>11 San Antonio, and we've seen documents that, under that</p> <p>12 category, it's this, quote, desirability of passenger</p> <p>13 profiles, and we saw that that includes whether there's</p> <p>14 a single cabin or a split cabin. Other than that a</p> <p>15 split cabin might involve the need for an airline club,</p> <p>16 operationally is there anything else that a split cabin</p> <p>17 could have on the impact of whether an airline is</p> <p>18 Terminal C or not?</p> <p>19 A. A split cabin.</p> <p>20 Q. Okay. So the fact that American provides a</p> <p>21 business class option doesn't impact gating decisions</p> <p>22 compared to Southwest who does not?</p> <p>23 A. No.</p> <p>24 Q. All right.</p> <p>25 MR. PILSK: Just speak up a little bit.</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. And so if you are a passenger one option would</p> <p>2 be just to sit in the general holdroom while you're</p> <p>3 waiting for your flight; is that right?</p> <p>4 A. Uh-huh. Yes.</p> <p>5 Q. Yes?</p> <p>6 A. Sorry.</p> <p>7 Q. And you could also alternatively sit in the</p> <p>8 airline's VIP lounge, correct?</p> <p>9 A. That's another option, yes.</p> <p>10 Q. And you mentioned that within the VIP lounges</p> <p>11 are certain services -- beverage services, food</p> <p>12 services; isn't that right?</p> <p>13 A. Sometimes, yes.</p> <p>14 Q. It's a perk, isn't it, that the airline</p> <p>15 provides to its passengers, this VIP lounge?</p> <p>16 A. Yes. Those that -- that are -- that get access</p> <p>17 to it whether you have -- whether you have membership,</p> <p>18 pay for membership for the day, yes.</p> <p>19 Q. And a passenger gets access to -- if you know,</p> <p>20 to a VIP lounge because maybe that day they are flying a</p> <p>21 business class or first class; is that right?</p> <p>22 A. Could be, yes.</p> <p>23 Q. Or they can also pay for, like, a membership</p> <p>24 to, you know, enjoy that service, correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 75</p> <p>1 THE WITNESS: I'm sorry.</p> <p>2 A. No.</p> <p>3 Q. (BY MR. MORALES) If we go down to -- one</p> <p>4 second here. Let's talk about VIP lounges. We have</p> <p>5 you -- seen in Exhibit Number 2 and you've testified</p> <p>6 that whether an airline club requested -- sorry --</p> <p>7 whether an airline requested a VIP club was a factor</p> <p>8 that the city considered in assigning gates in</p> <p>9 Terminal C, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Why?</p> <p>12 A. Why was it a factor?</p> <p>13 Q. Yeah.</p> <p>14 A. To placement of existing facilities and where</p> <p>15 we could accommodate it.</p> <p>16 Q. Okay. And for folks who may not have been in a</p> <p>17 airline club what is an airline VIP club?</p> <p>18 A. It -- I would describe it as it's a gate-hold</p> <p>19 area that aside from your typical gate holds -- could be</p> <p>20 a cross of in the general facility -- they offer food</p> <p>21 services, beverage services, your typical kind of a</p> <p>22 quiet place to go sit and just relax. It's -- it's an</p> <p>23 alternative to a gate hold with some amenities. Some of</p> <p>24 them can be very elaborate; some of them can be very</p> <p>25 simple.</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. And just to be clear, you would agree with me</p> <p>2 that an airline VIP lounge is a service that the airline</p> <p>3 provides, correct?</p> <p>4 A. It can be.</p> <p>5 Q. How is it not? I mean, isn't it necessarily a</p> <p>6 service that the airline provides?</p> <p>7 A. Well, clubs in general -- you had mentioned</p> <p>8 earlier it could be a club provided and an airline or a</p> <p>9 club provided by --</p> <p>10 Q. Thank you for making that distinction.</p> <p>11 So, for example, with regard to Delta,</p> <p>12 Delta runs, I think, Sky Clubs; isn't that right?</p> <p>13 A. I believe so, yes.</p> <p>14 Q. And the Sky Club is a VIP lounge that we've</p> <p>15 been talking about?</p> <p>16 A. Correct.</p> <p>17 Q. And you would agree -- agree with me that</p> <p>18 Delta's Sky Club is a service that Delta provides to</p> <p>19 some of its passengers?</p> <p>20 A. Yes.</p> <p>21 Except I -- I would say it's -- it's a --</p> <p>22 it's an offering they provide for some form of payment</p> <p>23 or something.</p> <p>24 Q. Right. It -- it -- it's a service provided in</p> <p>25 exchange for a premium payment; is that right?</p>

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<p style="text-align: right;">Page 78</p> <p>1 A. Could be.</p> <p>2 Q. Yeah.</p> <p>3 A. Yes.</p> <p>4 Q. And then so I asked you the question kind of</p> <p>5 the difference between split cabin and single cabin.</p> <p>6 Other than maybe a correlation with a VIP lounge it</p> <p>7 doesn't have any operational impact on where an airline</p> <p>8 will be assigned to in terms of gates; isn't that right?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. Now -- now, I want to ask the same</p> <p>11 question with regard to passenger profile.</p> <p>12 So we know that the options of passenger</p> <p>13 profile are business, leisure, mix. Does the</p> <p>14 composition of passenger profile for an airline, other</p> <p>15 than a VIP lounge, have any impact on where that airline</p> <p>16 will be assigned?</p> <p>17 A. No.</p> <p>18 Q. Okay. But it could have a correlation</p> <p>19 similarly to VIP lounges, correct?</p> <p>20 A. They would want to be in the -- in a close</p> <p>21 proximity, yes.</p> <p>22 Q. Okay. What about airline brand position:</p> <p>23 Network, ULCC, established, startup, et cetera, what</p> <p>24 impact could that have on the analysis of what gate an</p> <p>25 airline should be assigned to?</p>	<p style="text-align: right;">Page 80</p> <p>1 started off as a low cost carrier but, in my mind,</p> <p>2 they -- they're -- they're not a ULCC.</p> <p>3 Q. So from your perception Southwest carrier --</p> <p>4 Southwest Airlines presently is not a ULCC?</p> <p>5 A. Not in my mind.</p> <p>6 Q. Okay. Is there a difference, in your view,</p> <p>7 given your experience and education and knowledge, a</p> <p>8 difference between an ultra-low cost carrier and a low</p> <p>9 cost carrier?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And what is the difference?</p> <p>12 A. To me an ultra-low cost carrier has a lot more</p> <p>13 of the -- what I would call add-on fees. You buy a</p> <p>14 baseline ticket and then there's a lot of add-on fees.</p> <p>15 Whether it's bags, seat upgrades --</p> <p>16 Q. Okay.</p> <p>17 A. -- multiples of things.</p> <p>18 Q. And presently who are the ultra-low cost</p> <p>19 carriers at San Antonio International Airport?</p> <p>20 A. In my opinion, it would be like Spirit, Jet</p> <p>21 Blue, someone like that.</p> <p>22 Q. And would Southwest Airlines fall into a low</p> <p>23 cost carrier but just not an ultra-low cost carrier?</p> <p>24 A. Again, I'm -- I don't want to define what</p> <p>25 Southwest defines themselves at, but I do not see them</p>
<p style="text-align: right;">Page 79</p> <p>1 A. The correlation I would see -- really more</p> <p>2 their flight schedule and the aircraft type that they're</p> <p>3 bringing in, peak demand, peak hour, load factors.</p> <p>4 Q. Okay. And does a network, ULLC, established,</p> <p>5 startup have different peak hours compared to an airline</p> <p>6 that doesn't -- that falls outside one of those</p> <p>7 categories?</p> <p>8 A. They could.</p> <p>9 Q. Okay. And how does that normally work?</p> <p>10 A. A lot of times if -- for example, if they're</p> <p>11 going to a spub and -- a hub and spoke versus direct</p> <p>12 they may have to launch earlier to get into the hub and</p> <p>13 spoke system, point to point -- and it just really kind</p> <p>14 of depends on what their -- what their operational</p> <p>15 schedule is.</p> <p>16 Q. I see.</p> <p>17 A. So we react to their operational schedule when</p> <p>18 we're looking in to gate utilization, peak demand and</p> <p>19 its effect on the terminals and other infrastructure.</p> <p>20 Q. Okay. Earlier I was asking you questions about</p> <p>21 where Southwest fit into the airline brand positions</p> <p>22 between network, ULCC, established, startup. Remind me</p> <p>23 what is your answer?</p> <p>24 A. Well, I don't want to define what Southwest is,</p> <p>25 that's for their intent to define, but I think they</p>	<p style="text-align: right;">Page 81</p> <p>1 as an ultra-low cost carrier.</p> <p>2 Q. Okay. And I'm not asking you to define them</p> <p>3 for Southwest purposes. I'm asking you as the deputy</p> <p>4 aviation director for the City of San Antonio how do you</p> <p>5 perceive Southwest Airlines? Is it as a low cost</p> <p>6 carrier?</p> <p>7 A. I -- I would say somewhere between a low cost</p> <p>8 and a -- and a legacy carrier. They've certainly grown</p> <p>9 over the years and have gained, you know, good market</p> <p>10 share and position.</p> <p>11 Q. Do you know presently what the market share of</p> <p>12 Southwest is at San Antonio -- San Antonio International</p> <p>13 Airport?</p> <p>14 A. About 38 percent.</p> <p>15 Q. All right. Is it the largest -- is it the</p> <p>16 airline carrier with the largest market share at San</p> <p>17 Antonio Airport?</p> <p>18 A. Yes.</p> <p>19 Q. Sir, was there ever a plan, that you're aware</p> <p>20 of, in your role as aviation director at the San Antonio</p> <p>21 Airport -- sorry -- deputy aviation director -- to</p> <p>22 contain or to isolate low cost carriers to Terminal A?</p> <p>23 A. No.</p> <p>24 (Exhibit Number 5 marked.)</p> <p>25 Q. (BY MR. MORALES) I'm going to show you what</p>